



Rep. Roger L. Eddy

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09600SB3681ham002

LRB096 18677 NHT 41130 a

1 AMENDMENT TO SENATE BILL 3681

2 AMENDMENT NO. _____. Amend Senate Bill 3681, AS AMENDED,
3 as follows:

4 in Section 5, in the introductory clause, by replacing
5 "2-3.13a" with "2-3.11d, 2-3.13a, 2-3.25g"; and

6 in Section 5, immediately below the end of Sec. 1A-8, by
7 inserting the following:

8 "(105 ILCS 5/2-3.11d)

9 Sec. 2-3.11d. Data on tests required for teacher
10 preparation and certification. Beginning with the effective
11 date of this amendatory Act of the 94th General Assembly, to
12 collect and maintain all of the following data for each
13 institution of higher education engaged in teacher preparation
14 in this State:

15 (1) The number of individuals taking the test of basic

1 skills under Section 21-1a of this Code.

2 (2) The number of individuals passing the test of basic
3 skills under Section 21-1a of this Code.

4 (3) The total number of subject-matter tests attempted
5 under Section 21-1a of this Code.

6 (4) The total number of subject-matter tests passed
7 under Section 21-1a of this Code.

8 The data regarding subject-matter tests shall be reported in
9 sum, rather than by separately listing each subject, in order
10 to better protect the identity of the test-takers.

11 On or before August 1, 2007, the State Board of Education
12 shall file with the General Assembly and the Governor and shall
13 make available to the public a report listing the institutions
14 of higher education engaged in teacher preparation in this
15 State, along with the data listed in items (1) and (2) of this
16 Section pertinent to each institution.

17 On or before October 1, 2012 ~~August 1, 2009~~ and every 3
18 years thereafter, the State Board of Education shall file with
19 the General Assembly and the Governor and shall make available
20 to the public a report listing the institutions of higher
21 education engaged in teacher preparation in this State, along
22 with the data listed in items (1) through (4) of this Section
23 pertinent to each institution.

24 (Source: P.A. 94-935, eff. 6-26-06.)"; and

25 in Section 5, immediately below the end of Sec. 2-3.13a, by

1 inserting the following:

2 "(105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
3 Sec. 2-3.25g. Waiver or modification of mandates within the
4 School Code and administrative rules and regulations.

5 (a) In this Section:

6 "Board" means a school board or the governing board or
7 administrative district, as the case may be, for a joint
8 agreement.

9 "Eligible applicant" means a school district, joint
10 agreement made up of school districts, or regional
11 superintendent of schools on behalf of schools and programs
12 operated by the regional office of education.

13 "Implementation date" has the meaning set forth in
14 Section 24A-2.5 of this Code.

15 "State Board" means the State Board of Education.

16 (b) Notwithstanding any other provisions of this School
17 Code or any other law of this State to the contrary, eligible
18 applicants may petition the State Board of Education for the
19 waiver or modification of the mandates of this School Code or
20 of the administrative rules and regulations promulgated by the
21 State Board of Education. Waivers or modifications of
22 administrative rules and regulations and modifications of
23 mandates of this School Code may be requested when an eligible
24 applicant demonstrates that it can address the intent of the
25 rule or mandate in a more effective, efficient, or economical

1 manner or when necessary to stimulate innovation or improve
2 student performance. Waivers of mandates of the School Code may
3 be requested when the waivers are necessary to stimulate
4 innovation or improve student performance. Waivers may not be
5 requested from laws, rules, and regulations pertaining to
6 special education, teacher certification, teacher tenure and
7 seniority, or Section 5-2.1 of this Code or from compliance
8 with the No Child Left Behind Act of 2001 (Public Law 107-110).
9 On and after the applicable implementation date, eligible
10 applicants may not seek a waiver or seek a modification of a
11 mandate regarding the requirements for (i) student performance
12 data to be a significant factor in teacher or principal
13 evaluations or (ii) for teachers and principals to be rated
14 using the 4 categories of "excellent", "proficient", "needs
15 improvement", or "unsatisfactory". On the applicable
16 implementation date, any previously authorized waiver or
17 modification from such requirements shall terminate.

18 (c) Eligible applicants, as a matter of inherent managerial
19 policy, and any Independent Authority established under
20 Section 2-3.25f may submit an application for a waiver or
21 modification authorized under this Section. Each application
22 must include a written request by the eligible applicant or
23 Independent Authority and must demonstrate that the intent of
24 the mandate can be addressed in a more effective, efficient, or
25 economical manner or be based upon a specific plan for improved
26 student performance and school improvement. Any eligible

1 applicant requesting a waiver or modification for the reason
2 that intent of the mandate can be addressed in a more
3 economical manner shall include in the application a fiscal
4 analysis showing current expenditures on the mandate and
5 projected savings resulting from the waiver or modification.
6 Applications and plans developed by eligible applicants must be
7 approved by the board or regional superintendent of schools
8 applying on behalf of schools or programs operated by the
9 regional office of education following a public hearing on the
10 application and plan and the opportunity for the board or
11 regional superintendent to hear testimony from staff directly
12 involved in its implementation, parents, and students. The time
13 period for such testimony shall be separate from the time
14 period established by the eligible applicant for public comment
15 on other matters. If the applicant is a school district or
16 joint agreement requesting a waiver or modification of Section
17 27-6 of this Code, the public hearing shall be held on a day
18 other than the day on which a regular meeting of the board is
19 held. If the applicant is a school district, the public hearing
20 must be preceded by at least one published notice occurring at
21 least 7 days prior to the hearing in a newspaper of general
22 circulation within the school district that sets forth the
23 time, date, place, and general subject matter of the hearing.
24 If the applicant is a joint agreement or regional
25 superintendent, the public hearing must be preceded by at least
26 one published notice (setting forth the time, date, place, and

1 general subject matter of the hearing) occurring at least 7
2 days prior to the hearing in a newspaper of general circulation
3 in each school district that is a member of the joint agreement
4 or that is served by the educational service region, provided
5 that a notice appearing in a newspaper generally circulated in
6 more than one school district shall be deemed to fulfill this
7 requirement with respect to all of the affected districts. The
8 eligible applicant must notify in writing the affected
9 exclusive collective bargaining agent and those State
10 legislators representing the eligible applicant's territory of
11 its intent to seek approval of a waiver or modification and of
12 the hearing to be held to take testimony from staff. The
13 affected exclusive collective bargaining agents shall be
14 notified of such public hearing at least 7 days prior to the
15 date of the hearing and shall be allowed to attend such public
16 hearing. The eligible applicant shall attest to compliance with
17 all of the notification and procedural requirements set forth
18 in this Section.

19 (d) A request for a waiver or modification of
20 administrative rules and regulations or for a modification of
21 mandates contained in this School Code shall be submitted to
22 the State Board of Education within 15 days after approval by
23 the board or regional superintendent of schools. The
24 application as submitted to the State Board of Education shall
25 include a description of the public hearing. Following receipt
26 of the request, the State Board shall have 45 days to review

1 the application and request. If the State Board fails to
2 disapprove the application within that 45 day period, the
3 waiver or modification shall be deemed granted. The State Board
4 may disapprove any request if it is not based upon sound
5 educational practices, endangers the health or safety of
6 students or staff, compromises equal opportunities for
7 learning, or fails to demonstrate that the intent of the rule
8 or mandate can be addressed in a more effective, efficient, or
9 economical manner or have improved student performance as a
10 primary goal. Any request disapproved by the State Board may be
11 appealed to the General Assembly by the eligible applicant as
12 outlined in this Section.

13 A request for a waiver from mandates contained in this
14 School Code shall be submitted to the State Board within 15
15 days after approval by the board or regional superintendent of
16 schools. The application as submitted to the State Board of
17 Education shall include a description of the public hearing.
18 The description shall include, but need not be limited to, the
19 means of notice, the number of people in attendance, the number
20 of people who spoke as proponents or opponents of the waiver, a
21 brief description of their comments, and whether there were any
22 written statements submitted. The State Board shall review the
23 applications and requests for completeness and shall compile
24 the requests in reports to be filed with the General Assembly.
25 The State Board shall file reports outlining the waivers
26 requested by eligible applicants and appeals by eligible

1 applicants of requests disapproved by the State Board with the
2 Senate and the House of Representatives before each March 1 and
3 October 1. The General Assembly may disapprove the report of
4 the State Board in whole or in part within 60 calendar days
5 after each house of the General Assembly next convenes after
6 the report is filed by adoption of a resolution by a record
7 vote of the majority of members elected in each house. If the
8 General Assembly fails to disapprove any waiver request or
9 appealed request within such 60 day period, the waiver or
10 modification shall be deemed granted. Any resolution adopted by
11 the General Assembly disapproving a report of the State Board
12 in whole or in part shall be binding on the State Board.

13 (e) An approved waiver or modification (except a waiver
14 from or modification to a physical education mandate) may
15 remain in effect for a period not to exceed 5 school years and
16 may be renewed upon application by the eligible applicant.
17 However, such waiver or modification may be changed within that
18 5-year period by a board or regional superintendent of schools
19 applying on behalf of schools or programs operated by the
20 regional office of education following the procedure as set
21 forth in this Section for the initial waiver or modification
22 request. If neither the State Board of Education nor the
23 General Assembly disapproves, the change is deemed granted.

24 An approved waiver from or modification to a physical
25 education mandate may remain in effect for a period not to
26 exceed 2 school years and may be renewed no more than 2 times

1 upon application by the eligible applicant. An approved waiver
2 from or modification to a physical education mandate may be
3 changed within the 2-year period by the board or regional
4 superintendent of schools, whichever is applicable, following
5 the procedure set forth in this Section for the initial waiver
6 or modification request. If neither the State Board of
7 Education nor the General Assembly disapproves, the change is
8 deemed granted.

9 (f) (Blank). ~~On or before February 1, 1998, and each year~~
10 ~~thereafter, the State Board of Education shall submit a~~
11 ~~cumulative report summarizing all types of waivers of mandates~~
12 ~~and modifications of mandates granted by the State Board or the~~
13 ~~General Assembly. The report shall identify the topic of the~~
14 ~~waiver along with the number and percentage of eligible~~
15 ~~applicants for which the waiver has been granted. The report~~
16 ~~shall also include any recommendations from the State Board~~
17 ~~regarding the repeal or modification of waived mandates.~~

18 (Source: P.A. 95-223, eff. 1-1-08; 96-861, eff. 1-15-10.)"; and

19 immediately below the end of Section 10, by inserting the
20 following:

21 "Section 13. The School Construction Law is amended by
22 changing Section 5-200 as follows:

23 (105 ILCS 230/5-200)

1 Sec. 5-200. School energy efficiency grants.

2 (a) The State Board of Education is authorized to make
3 grants to school districts, without regard to enrollment, for
4 school energy efficiency projects. These grants shall be paid
5 out of moneys appropriated for that purpose from the School
6 Infrastructure Fund. No grant under this Section for one fiscal
7 year shall exceed \$250,000, but a school district may receive
8 grants for more than one project during one fiscal year. A
9 school district must provide local matching funds in an amount
10 equal to the amount of the grant under this Section. A school
11 district has no entitlement to a grant under this Section.

12 (b) The State Board of Education shall adopt rules to
13 implement this Section. These rules need not be the same as the
14 rules for school construction project grants or school
15 maintenance project grants. The rules may specify:

16 (1) the manner of applying for grants;

17 (2) project eligibility requirements;

18 (3) restrictions on the use of grant moneys;

19 (4) the manner in which school districts must account
20 for the use of grant moneys; and

21 (5) any other provision that the State Board determines
22 to be necessary or useful for the administration of this
23 Section.

24 (c) In each school year in which school energy efficiency
25 project grants are awarded, 20% of the total amount awarded
26 shall be awarded to a school district in a city with a

1 population of more than 500,000, provided that the school
2 district complies with the requirements of this Section and the
3 rules adopted under this Section.
4 (Source: P.A. 96-37, eff. 7-13-09.)".